

MONTANA LEGISLATIVE HISTORY

Chapter 736 19 91

Bill H _____ S 196 Original bill & history C

H. Committee on Judiciary

Hearing Date(s) Mar 06 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 07 ☒ C

S. Committee on Judiciary

Hearing Date(s) Feb 01 ☒ C

Feb 04 ☒ C

_____ ☐ C

_____ ☐ C

Feb 04 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

Conference Committee Apr 23

SB 194 INTRODUCED BY TOWE, ET AL.

IMPOSE A TAX ON CERTAIN GENERATION-SKIPPING
TRANSFERS

1/24	INTRODUCED		
1/25	REFERRED TO TAXATION		
1/25	FIRST READING		
1/25	FISCAL NOTE REQUESTED		
1/31	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE PRINTED		
2/05	HEARING		
2/05	COMMITTEE REPORT—BILL PASSED		
2/07	2ND READING PASSED	49	0
2/08	3RD READING PASSED	43	0
	TRANSMITTED TO HOUSE		
2/09	FIRST READING		
2/09	REFERRED TO TAXATION		
2/22	HEARING		
3/05	COMMITTEE REPORT—BILL CONCURRED		
3/09	2ND READING CONCURRED AS AMENDED	85	8
3/11	3RD READING CONCURRED	85	12
	RETURNED TO SENATE WITH AMENDMENTS		
3/16	2ND READING AMENDMENTS CONCURRED	49	0
3/18	3RD READING AMENDMENTS CONCURRED	49	0
3/23	SIGNED BY PRESIDENT		
3/23	SIGNED BY SPEAKER		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 273		

EFFECTIVE DATE: 10/01/91

SB 195 INTRODUCED BY BENGTSON, ET AL.

DEFINE WATER USER ENTITY

1/25	INTRODUCED		
1/25	REFERRED TO LOCAL GOVERNMENT		
1/25	FIRST READING		
2/07	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	2ND READING PASSED	47	1
2/19	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO NATURAL RESOURCES		
3/14	HEARING		
3/14	TABLED IN COMMITTEE		
4/02	TAKEN FROM TABLE		
4/02	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/06	2ND READING CONCUR AS AMENDED		
	MOTION FAILED	45	54
4/06	RECONSIDERED PREVIOUS ACTION		
4/06	2ND READING CONCURRED	58	42
4/06	ON MOTION RULES SUSPENDED		
	TO PLACE ON 3RD READING THIS DAY		
4/06	3RD READING CONCURRED	50	49
	RETURNED TO SENATE WITH AMENDMENTS		
4/16	RREFERRED TO RULES		
4/18	HEARING		
4/18	TABLED IN COMMITTEE		
4/18	MOTION FAILED TO TAKE FROM COMMITTEE	20	29

SB 196 INTRODUCED BY T. BECK, ET AL.

PROVIDE FOR CONFINEMENT OF INMATES WHEN
INSTITUTIONS CAPACITY EXCEEDED

SENATE FINAL STATUS

SB 198

BY REQUEST OF DEPARTMENT OF INSTITUTIONS

1/25	INTRODUCED		
1/25	REFERRED TO JUDICIARY		
1/25	FIRST READING		
2/01	HEARING		
2/05	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/07	2ND READING PASSED	49	0
2/08	3RD READING PASSED	43	0
	TRANSMITTED TO HOUSE		
2/09	FIRST READING		
2/09	REFERRED TO JUDICIARY		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/09	2ND READING CONCURRED	92	1
3/11	3RD READING CONCURRED	98	1
	RETURNED TO SENATE WITH AMENDMENTS		
3/16	2ND READING AMENDMENTS NOT CONCURRED	49	0
3/20	CONFERENCE COMMITTEE APPOINTED		
4/23	CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/24	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	0
	HOUSE		
3/21	CONFERENCE COMMITTEE APPOINTED		
4/23	CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	93	5
4/24	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	96	4
4/25	SIGNED BY PRESIDENT		
4/29	SIGNED BY SPEAKER		
4/29	TRANSMITTED TO GOVERNOR		
5/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 736		

EFFECTIVE DATE: 10/01/91

SB 197 INTRODUCED BY KENNEDY, ET AL.

REVISE RESORT TAX TO ALLOW RESORT
TAX IN UNINCORPORATED AREA

1/25	INTRODUCED
1/25	REFERRED TO TAXATION
1/25	FIRST READING
1/25	FISCAL NOTE REQUESTED
1/29	FISCAL NOTE RECEIVED
1/29	FISCAL NOTE PRINTED
2/12	HEARING
2/20	TABLED IN COMMITTEE

SB 198 INTRODUCED BY B. BROWN, ET AL.

CORRECT HOUSING DISCRIMINATION CITATION ERROR
BY REQUEST OF COMMISSION FOR HUMAN RIGHTS

1/25	INTRODUCED		
1/25	REFERRED TO JUDICIARY		
1/25	FIRST READING		
2/06	HEARING		
2/07	COMMITTEE REPORT—BILL PASSED		
2/09	2ND READING PASSED	47	0
2/11	3RD READING PASSED	48	0

TRANSMITTED TO HOUSE

her claim. He added that Mary Fitzpatrick came believing there was no way to save her claim.

Senator Pinsoneault asked Ben Everett if the Legislation has a cap, and if the Committee would be "falling into a trap where they may lose the war in the end". Mr. Everett replied that at least being able to partially recover would be better than nothing.

Senator Towe asked if "legislative" should have been put before "act" on page 2, line 8 of the bill. Alec Hansen replied it is a proposed exclusion on monetary damages when their is remedy of action through monetary appeal. He said that if the District Court turns the decision of a zoning board around, people would not be entitled to monetary damages.

Senator Towe asked why what's good enough for the state is not good enough for cities and towns (2-9-305, MCA). Alec Hansen replied he was not in a good position to answer such a specific question.

Senator Svrcek asked Ben Everett if even with this legislative proposal, it would still not be a legislative act, if the front door of the gymnasium were not used. Mr. Everett replied he did not know if the amendment proposed would do this.

Senator Svrcek asked where the fault does lie if this scenario were adopted.

Senator Yellowtail noted that a fax was received from the Ravalli County Commissioners in opposition to SB 154 (Exhibit #6).

Closing by Sponsor:

Senator Nathe stated the bill leaves the responsibility to the Legislature. He said that in pages 31-33 of the most recent Supreme Court decision, the Chief Justice said the Legislature is the forum to set forth the rule of law. Senator Nathe added that this bill is an issue of fairness.

HEARING ON SENATE BILL 196

Presentation and Opening Statement by Sponsor:

Senator Tom Beck, District 24, told the Committee that in Summer 1989, the prison director asked the Department of Institutions (DOI) Director, Curt Chisholm, not to send any more prisoners to Deer Lodge. Senator Beck stated Mr. Chisholm had no legal authority to put this cap on, and that the bill would provide authority to temporarily withhold admission to the prison.

Senator Beck explained that as soon as an individual is sentenced, he or she becomes a ward of DOI, and thus DOI will

reimburse costs of county incarceration for prisoners who cannot be sent to Deer Lodge.

Proponents' Testimony:

Representative Bob Thoft, Stevensville, said he has been involved with the prison since 1983. He told the Committee here has been a devoted effort to find alternatives, but still the flow of prisoners can't be handled. He said overcrowding creates an unsafe condition, and that SB 196 is good legislative relieve until more facilities can be built.

Dan Russell, Director of Corrections provided a letter from the Flathead County Attorney in support of SB 196 (Exhibit #7). Mr. Russell said there are 1127 inmates this date, and that both the mens' and womens' prisons are overcrowded, and that the number of female inmates has tripled since 1980. He said access to Warm Springs facilities' meets emergency needs, and asked the Committee to support SB 196.

Jim DuPont, Flathead County Sheriff, said he supported the bill with a minor amendment that in the event a county's jail is over maximum, a prisoner can go to another jurisdiction. He said the amendment would include medical costs being paid by the state.

Ed Hall, Administrator, Montana Board of Crime Control, said he knows the prison it out of balance with the justice system right now. He stated that SB 196 helps maintain that balance, and addresses flexibility. Mr. Hall explained this is not too different from legislation on juvenile detention (HB 300), and that the concept of SB 58 is also embodied by this bill.

Sheriff Bob Petorovich, Butte, said he was concerned with the medical aspect of the bill, as discuss during earlier testimony.

Opponents' Testimony:

There were no opponents of SB 196.

Questions From Committee Members:

Senator Grosfield asked about lines 5-7 on page 2, and what would happen if two jurisdictions did not come to mutual agreement. Senator Beck replied that if they did not agree, a different jail would have to be found.

Senator Mazurek asked Dan Russell if the law for early release, passed several years ago, were not enough. Mr. Russell replied that early parole eligibility will be amended this session, but is still in effect. He said that during the past six years 112 persons were released yearly, and that 5 are pending now.

Senator Towe reiterated Senator Grosfield's question. Dan Russell replied that when a cap was imposed they had to pay daily

charges from \$10 to \$65, and that if they are unable to arrive at a mutual decision they may have to pay a rate set by the Legislature. He said that rate is now \$38 per day, and that he was concerned with unjust enrichment for some counties.

Senator Towe asked Dan Russell if he objected to the state paying medical expenses. Mr. Russell replied he had no problem with it, and would get together with Senator Towe right away.

Closing by Sponsor:

Senator Beck advised the Committee an interim committee looked at every possible avenue to deal with the prison before invoking this emergency measure. He said he is willing to try all other means, and that he would see to the amendment.

HEARING ON HOUSE BILL 114

Presentation and Opening Statement by Sponsor:

Representative Dave Brown, District 72, said HB 114 is a straight-forward bill requiring institutions to notify certain law enforcement personnel of escapees from institutions. He explained that page 1, lines 16-18 adds language to ensure mental health confidentiality. He said "and" was changed to "or" on page 2, line 7, and that page 2, lines 10-13 were suggested by DOI during hearing in the House. Representative Brown advised the Committee subsection 3 on page 2, line 17 was added by Representative Clark on the floor, and that he was proposing an amendment to subsection (e) on page 2, lines 14-16 (Exhibit #9).

Proponents' Testimony:

Sheriff Bob Potorovich, Butte, read from prepared testimony in support of HB 114 (Exhibit #10), and said he supported the amendment.

Opponents' Testimony:

There were no opponents of HB 114.

Questions From Committee Members:

Senator Towe asked Representative Brown what the amendment is that is not already in the language of the bill. Representative Brown replied that a criminal is not normally sentenced to an institution. He said subsection (e) further restricts and requires a judge to let a facility know that he wants to be notified.

Senator Towe asked if that were "conjunctive and not disjunctive". Representative Brown replied it was.

EXHIBIT # 8
SB 196
Feb 9/

Office of the County Attorney

Flathead County

TED O. LYMPUS, County Attorney
JONATHAN B. SMITH, Chief Deputy
DENNIS J. HESTER, Deputy
RANDY K. SCHWICKERT, Deputy
THOMAS J. ESCH, Deputy
EDWARD CORRIGAN, Deputy

Kalispell, Montana 59903-1516

January 31, 1991

P.O. Box 1516
Second Floor
Justice Center
(406) 752-5300 - Ext. 241
or (406) 756-5618

TO WHOM IT MAY CONCERN:

RE: PROPOSED LEGISLATION (DEPARTMENT OF INSTITUTIONS)

Please accept the following as a brief testimony in support of both an as yet unnumbered House Bill for an act entitled: "An act to revise the law relating to the sentencing of offenders to a correctional institution and sentencing offenders to the corrections authority of the Department of Institutions," and for Senate Bill 196 for an act entitled: "An act to provide for the confinement of persons committed to the Department of Institutions when a departmental correctional institution or system exceeds its emergency capacity." Having now served as a Montana prosecutor for over 15 years, I am well familiar with the corrections circumstances addressed by these two proposed pieces of legislation.

First, with respect to the proposed House bill and recognizing both the individuality of each convicted person and the nature of his or her criminal behavior as well as the sophistication of today's correctional institutions, it seems imminently reasonable that the offender be committed to the Department of Institutions, rather than to a particular institution within the Department, in order that the professionals within the Department might then be able to determine in the best interest of both the State and the defendant, where he or she ought properly to be actually placed.

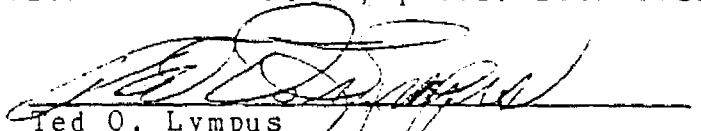
As in the past, the sentencing court would, I am sure, make recommendations as to placement (as is often done now with respect to various matters such as chemical dependency treatment) and I am confident that, also as in the past, the Department would give due consideration thereto in its institutional placement process.

Concerning Senate Bill 196, I would submit that it provides an excellent workable mechanism to address a circumstance of temporary overpopulation at a correctional institution (and particularly at the men's prison) which history shows can and does occasionally occur and, as with the above-referenced House bill, I would urge its favorable consideration.

Ex. 8
SB 196
2-1-91

January 31, 1991
Page Two

I appreciate this opportunity to be heard and thank you for your attention. If I can be of any additional information, please feel free to call upon me.


Ted O. Lympus
Flathead County Attorney

EXECUTIVE ACTION ON SENATE BILL 196Motion:Discussion:

Chairman Pinsoneault noted there are several proposed amendments.

Valencia Lane advised the Committee the bill's sponsor agreed to two amendments which she said appear to be covered by the amendments (Exhibit #/).

Senator Towe asked about drafting a committee bill. He stated that on January 15, Judge Holmstrom made a ruling on section 624 dealing with offenses of a minor for possession of alcohol. Senator Towe said the Judge ruled that the only penalty is a \$50 fine for a first offense, and that there would be a higher fine and mandatory alcohol/drug education school for a second offense. The Judge ruled that if the minor agreed to the fine and school, he or she could no longer be sentenced to community service.

Senator Towe asked Valencia Lane to draft a bill to state that community service can be an alternative sentence.

Senator Towe made a motion to that effect. The motion carried unanimously.

Amendments, Discussion, and Votes:

Senator Svrcek made a motion that the proposed amendments be approved. The motion carried unanimously.

Senator Grosfield made a motion to add after ";" on page 2, line 7, "the rate must adequately consider the reasonable costs of the holding jurisdiction".

Senator Mazurek asked if the motion should include the maximum of the state rate. He advised the Committee \$38 per day is the generally approved rate.

Senator Towe asked Senator Grosfield to change his motion to state, "the rate must cover the reasonable costs of the holding jurisdiction".

Senator Grosfield restated his motion to language suggested by Senator Towe. The motion carried unanimously.

Recommendation and Vote:

Senator Svrcek made a motion that SB 196 DO PASS AS AMENDED. The motion carried unanimously.

HEARING ON SENATE BILL 201

Presentation and Opening Statement by Sponsor:

Senator Bob Brown, District 2, told the Committee SB 201 is a simple bill providing that the county attorney is the legal advisor for fire service areas. He said Whitefish used to have a fire service district, based on the value of homes and went to a fire service area in 1989 on a fee basis.

Senator Brown reported that the County Board told the county attorney he could not offer legal advised since the fire service district had become a fire service area.

Proponents' Testimony:

Lyle Nagel, Montana State Volunteer Firefighters Association, said fire service areas were not included in the original legislation because there were no areas at that time. He stated his support of SB 201.

Opponents' Testimony:

Gordon Morris, Montana Association of Counties, stated he had no position on the bill, but would be available for questions.

Questions From Committee Members:

Senator Halligan asked why the county attorneys were not present, and said he was concerned with county attorneys giving free legal advice. Gordon Morris replied that the bill looks at expanding county attorney duties from the perspective of county commissioners. He said commissioners need to be prepared to hire addition help for county attorneys as they assume more duties.

Closing by Sponsor:

Senator Brown said SB 201 adds no new responsibilities; that the same people and the same area are being served.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 196 (first reading copy -- white), respectfully report that Senate Bill No. 196 be amended and as so amended do pass:

1. Page 2, line 2.

Following: "them."

Insert: "In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction."

2. Page 2, line 7.

Following: "person."

Insert: "The rate must cover the reasonable costs of the holding jurisdiction. Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section must be borne by the department."

Signed: Richard Pinsoneault
Richard Pinsoneault, Chairman

7-4-91
Amd. Coord.

2-5-91
Sec. of Senate

Ex #1
SB196
2-4-91

Amendments to Senate Bill No. 196
First Reading Copy (White)

For the Committee on Judiciary

Prepared by Valencia Lane
February 4, 1991

1. Page 2, line 2.

Following: "them."

Insert: "In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction."

2. Page 2, line 7.

Following: "person."

Insert: "The rate must cover the reasonable costs of the holding jurisdiction. Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section must be borne by the department."

Exhibit #1a
4 Feb 91
SB 196

Amendments to Senate Bill No. 196
As Introduced

Requested by Montana Sheriffs and Peace Officers Association

1. Page 2, line 2.

Insert: "In the event the jurisdiction holding the inmate is at maximum capacity, the inmate may be placed in an available detention center in another jurisdiction."

2. Page 2, line 7.

Insert: "Expenses for medication, medical services, or hospitalization for persons confined in a detention center under this section shall be borne by the department."

HEARING ON SB 196CONFINEMENT OF INMATES WHEN INSTITUTION'S CAPACITY EXCEEDEDPresentation and Opening Statement by Sponsor:

SEN. BECK, SENATE DISTRICT 24, stated that this bill will allow the Department of Institution Correction Division to put a cap on the population of the Montana State Prison. He stated that this bill is asking that the Department of Institutions be allowed to put an emergency cap on the population of the Montana State Prison and assume the responsibility of the prisoners as soon as they are wards of the state. This bill will give the state the opportunity to incarcerate them in county jails until they can be moved to the state prison. He explained an amendment that was put on in the Senate that guarantees medical costs the state is required to pay under the legislation.

Proponents' Testimony:

REP. THOFT, HOUSE DISTRICT 3, stated that this bill is a piece of flexibility that is going to have to be built into the system in order to take care of the inmates being generated in our state. "I strongly support this bill because it gives administration of the prison the ability to try and keep things under control."

Dan Russell, Administrator - Divisions of Corrections, stated that this bill was introduced and requested by the Department of Institutions. He stated that the Women's Correction Center was designed to hold 45 inmates and that facility is beyond its capacity, currently holding over 60 inmates. The Department and the Legislature have been unable to avoid the overcrowding of these facilities. "We have to have a mechanism to control prison overcrowding at levels that will provide for a more safe environment for staff and inmates. We have to be able to cap our prison population until such time as additional facilities can be considered. I urge the committees support of SB 196."

Ted Lympus, Flathead County Attorney, gave written testimony in favor of SB 196. EXHIBIT 4

REP. KASTEN, HOUSE DISTRICT 28, stated that she supports SB 196 and ask people to realize the state of Montana will never build itself out of the need to expand our prison. She stated that the Legislature has to look at all the bills before them and SB 196 is a major one asking for the power to put a cap on prison population. "I urge your passage of this bill."

Ed Hall, Administrator - Montana Board of Crime Control, stated that this bill is a common sense improvement to help whittle away at a dangerous problem of prison overcrowding.

Jay Printz, Montana Sheriff's and Police Officer's Association, stated that the Association is in favor of SB 196.

Opponents' Testimony: none

Questions From Committee Members:

REP. BOHARSKI asked Dan Russell if maybe the cap should be for the maximum security section of the prison? Mr. Russell said that if that was done it wouldn't make much of an impact on the overcrowding problem in the prison.

Closing by Sponsor:

SEN. BECK stated that he hopes the committee can see the importance of this bill and give it a do concur.

EXECUTIVE ACTION ON SB 196

Motion: REP. BROWN MOVED SB 196 BE CONCURRED IN.

Discussion: REP. WYATT stated that she cannot support this bill because the jail in Cascade County is in poor shape and overcrowded at this time and if a cap is put on the prisons it can only get worse.

REP. BROOKE stated that she opposes the bill for the same reasons.

REP. MEASURE said that he also opposes the bill.

REP. RICE stated that in the event that the emergency state is reached in the prison and the counties are filled up also, the Corrections Division has the obligation of placing these people in another jurisdiction. It wouldn't necessarily mean they would be placing these people in the county jails.

REP. JOHNSON stated that this bill is optional. The state has to have an option when the prisons are so overcrowded. The Department of Institutions wants this to pass and he feels the committee should pass the bill.

Motion: REP. BOHARSKI moved to amend SB 196 on page 2, line 9 after the word "rate" put in "mutually" and on page 10, strike "department".

Discussion:

REP. BROWN stated that he will vote for the amendment and the bill but the committee will never see the bill again if it returns to the Senate as amended.

Vote: Motion carried 16 to 4 with Rep's: Measure, Johnson, Keller, and Gould voting no.

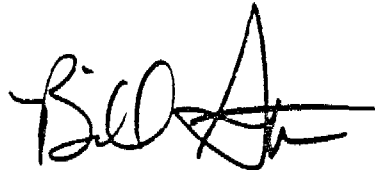
Motion: REP. BROWN MOVED SB 196 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. MEASURE MOVED SB 196 BE TABLED. Motion failed 3 to 17 with Rep's: Strizich, Wyatt and Measure voting yes.

Vote: Motion carried 15 to 5 with Rep's: Wyatt, Strizich, Russell, Brown and Measure voting no.

ADJOURNMENT

Adjournment: 11:07 a.m.



BILL STRIZICH, Chair



JEANNE DOMME, Secretary

BS/jmd

11.04
3-7-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 7, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 196 (third reading copy -- blue) be concurred in as
amended.

Signed: _____

Bill Strizich, Chairman

And, that such amendments read:

carried by: THOFT

1. Page 2, line 9.

Strike: "mutually"

2. Page 2, line 10.

Strike: "department and the"

DATE 3-6-91
SB 196

Office of the County Attorney

Flathead County

Kalispell, Montana 59903-1516

January 31, 1991

TED O. LYMPUS, County Attorney
JONATHAN B. SMITH, Chief Deputy
DENNIS J. HESTER, Deputy
RANDY K. SCHWICKERT, Deputy
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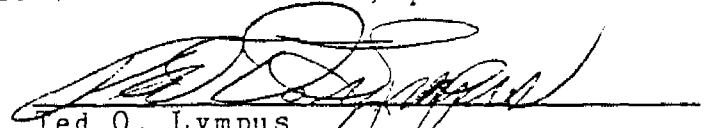
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EX-4
3-6-91
SB 196

January 31, 1991
Page Two

I appreciate this opportunity to be heard and thank you for your attention. If I can be of any additional information, please feel free to call upon me.



Ted O. Lympus
Flathead County Attorney

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Judiciary COMMITTEE BILL NO. SB 196
 DATE 3-6-91 SPONSOR(S) Sen. Beck

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Bill Flemer	Mont Sheriff's & Peace Off Assoc (MSPAA)			X
Ed Hall	MBCC			✓
Jay Printz	MT. Sheriff's & Peace Officers Assoc			X
Dan Russell	Dept. of Just			X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SB 196

Call to Order: By Chairman Van Valkenburg, on April 23, 1991, at 1:45 p.m.

ROLL CALL

Members Present:

Sen. Van Valkenburg (D), Chairman
Sen. Halligan (D)
Sen. Beck (R)
Rep. Strizich (D)
Rep. Brooke (D)

Members Excused: Rep. Thoft (R)

Staff Present: None.

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Van Valkenburg opened the conference committee meeting to discuss House amendments to SB 196 previously rejected by the Senate.

Sen. Van Valkenburg called on Dan Russell with the Department of Institutions to comment on the House amendments. Mr. Russell said the Department supports the language requiring "mutual agreement" between the Department and the counties on rates for housing inmates. In a previous temporary situation, the Department paid some counties \$10 and others \$70 a day without being able to negotiate a cost. He commented that counties vary widely on what kind of costs they include in their daily rate.

Sen. Van Valkenburg asked Rep. Strizich and Rep. Brooke if there was a way to resolve this matter with the House. Rep. Brooke said that the counties needed assurance of fair compensation which was a compelling reason for the amendments. Sen. Beck responded that the original language would require mutual agreement so a county could refuse to take inmates if fair compensation is not agreed on. Rep. Strizich commented that the amendments were needed to get the bill out of committee. Sen. Beck, a former county commissioner, asserted again his position in support of the mutual agreement provision. Rep. Strizich said he agreed with the mutual language, but felt a majority of House members favored the House version.

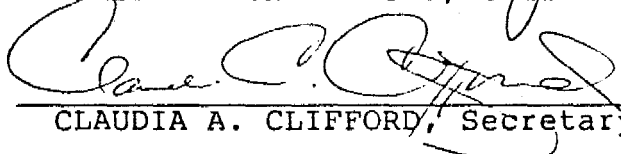
Sen. Van Valkenburg reminded the Committee of the overcrowding problems at the prison and the significant need for the bill. Everyone agreed.

MOTION: Sen. Beck moved that the House recede from its amendments. The motion met with unanimous approval of the members present.

ADJOURNMENT

Adjournment At: 2:00 p.m.


FRED VAN VALKENBURG, Chairman


CLAUDIA A. CLIFFORD, Secretary

FVV/cac

Conference Committee
on Senate Bill No. 136
Report No. 1, April 23, 1991

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 136, met and considered the House Judiciary Standing Committee Report dated March 7, 1991 and we recommend that the House recede from its amendments.

And that this Conference Committee report be adopted.

For the Senate:

Van Valkenburg
Chair, Sen. Van Valkenburg

Sen. Halligan
Sen. Halligan

Sen. Beek
Sen. Beek

For the House:

Rep. Strizich
Chair, Rep. Strizich

Rep. Brooke
Rep. Brooke

Rep. Thoft
Rep. Thoft

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And. Coord.

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Sec. of Senate

ADOPT

REJECT

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